



PATENT
P51671RE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JIN-SU PARK

Original Patent: U.S. Patent No. 5,719,618 issued on 17 February 1998

Serial No.: 09/506,288

Examiner: ISSING, GREGORY C.

Filed: 17 February 2000

Art Unit: 3662

For: LOCKING METHOD FOR A SYSTEM WITH AN ON SCREEN DISPLAY
FUNCTION AND APPARATUS THEREFOR

**PETITION TO WITHDRAW EXAMINER'S STATEMENT
FROM ADVISORY ACTION (No. 50070822)**

Paper No. 51

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests withdrawal of the Examiner's statement improperly set forth in the Advisory Action issued on 24 August 2007 (Paper No. 20070822).

**CERTIFICATE OF
FACSIMILE TRANSMISSION**

I hereby certify that, on 27 September 2007, this correspondence is being facsimile transmitted to the U.S. Patent & Trademark Office (**Facsimile No. 571-273-8300**)

Total 4 sheets


For Robert E. Bushnell

Folio: P51671RE
Date: 9/27/07
I.D.: REB/kf

STATEMENT OF FACTS

1. On 26 July 2007, Applicant filed a Response After Final in the above-referenced reissue application. In the Response After Final Applicant presented a list of all pending claims 1 through 59.
2. On 24 August 2007, an Advisory Action (Paper No. 20070822) was mailed in response to the Response After Final filed on 27 July 2007.
3. In the Continuation Sheet (PTO-303) of the Advisory Action (Paper No. 20070822), the Examiner states that,

“Additionally, the status of the claims is improperly provided since the identifiers for claims 22, 25-28, 30-36, 38-43, 45-54, 57 and 59 are missing.”

REMARKS

It is respectfully noted that the present application is a *reissue patent application*, and that amendment to the reissue application is NOT dictated by 37 C.F.R. §1.121 but by 37 C.F.R. §1.173.

Per 37 C.F.R. §1.173, amendments to the claims in a reissue application should be presented as follows:

“An amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper. For any claim changed by the amendment paper, a parenthetical

expression "amended," "twice amended," etc., should follow the claim number. Each changed patent claim and each added claim must include markings pursuant to paragraph (d) of this section, except that a patent claim or added claim should be canceled by a statement canceling the claim without presentation of the text of the claim" (emphasis supplied -- quoting from 37 C.F.R. §1.173(b)(2).)

In the present reissue application, claims 1 through 8 are original claims and the remaining claims previously added during the prosecution to date. Of newly added claims 9 through 59, claims 22, 25-28, 30-34, 36, 38, 40-43, 45-54, 57 and 59 are non-amended claims and claims 35 and 39 were amended once in the Amendment filed on 16 July 2001.

Therefore, in the Response After Final filed on 26 July 2007, each of claims 22, 25-28, 30-34, 36, 38, 40-43, 45-54, 57 and 59 bears no identifier and both claims 35 and 39 are identified as "(Amended)".

In view of the above, it is submitted that, under 37 C.F.R. §1.173(b)(2), claims 22, 25-28, 30-36, 38-43, 45-54, 57 and 59 presented in the Response After Final filed on 26 July 2007 are properly identified.

RELIEF REQUESTED

In view of the above, Applicant respectfully requests the Commissioner to direct the Examiner to:

- A. Withdraw the Examiner's statement improperly set forth in the Advisory Action issued on 24 August 2007 (Paper No. 20070822), namely "[a]dditionally, the status of the claims is improperly provided since the identifiers for claims 22, 25-28, 30-36, 38-43, 45-54, 57 and 59 are missing."; and
- B. Grant such other and further relief as justice may require.

Respectfully submitted,



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